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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,594	09/28/2004	Casey Douglas Parks	040801	5593
35501	7590	11/10/2005	EXAMINER	
LAFKAS PATENT LLC 7811 LAUREL AVENUE CINCINNATI, OH 45243			WONG, STEVEN B	
			ART UNIT	PAPER NUMBER
			3711	
DATE MAILED: 11/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,594

Applicant(s)

PARKS ET AL.

Examiner

Steven Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09-21-04</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1, 14 and 19, the use of the language “hallow” seems inappropriate. More appropriate language would be “hollow”.

In claims 1 and 17, these claims are indefinite as they recite one or more support holes and three or more bristle packets attached to the base member via the support holes. However, it is unclear how the golf tee could comprise only one or two support holes when there are a minimum of three bristle packets.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knez (D369,845) in view of Fariest (D181,633). Regarding claim 1, Knez discloses a golf tee comprising a base member having a hollow central core, a notch extending from the top towards the bottom of the base member and a plurality of extensions extending from the base that are capable of supporting a golf ball. However, Knez lacks the teaching for one or more support holes in the base and three or more bristle packets within the holes.

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Fariest reveals a golf tee construction including a base member having a plurality of bristle packets for supporting a golf ball. It would have been obvious to one of ordinary skill in the art to replace the supports of Knez with the bristle packets of Fariest in order to provide an alternative member for supporting the golf ball. Further, it would have been obvious to one of ordinary skill in the art to provide the golf tee base member with support holes corresponding to the bristle packets in order to securely mount the bristle packets on the tee.

Regarding claim 2, the cross -section of the core of Knez is circular.

Regarding claims 3 and 4, in the invention of Knez each of the points at which the extensions meet the central core is seen as being a node or point of concentration. Attention is directed to the attached definition of node stating that it is “a point of concentration; central point”.

Regarding claim 5, both Knez and Fariest teach 8 support members. It would have been obvious to one of ordinary skill in the art to reduce the number of support members to three in order to reduce the required manufacturing costs.

Regarding claim 6, both Knez and Fariest teach supports that extend at a substantially 90 degree angle with respect to the horizon.

Regarding claim 7, it would have been obvious to one of ordinary skill in the art to form the tee of Knez from plastic in order to take advantage of that material's well known physical characteristics.

Regarding claim 9, it would have been obvious to one of ordinary skill in the art to provide the bristles of Fariest with the recited lengths in order to tee the ball at a particular height.

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Regarding claim 10, it would have been obvious to one of ordinary skill in the art to form the notch of Knez 1 mm wide as the applicant has not disclosed that the criticality for this particular width by showing a new and unexpected result obtained therefrom and it appears that the width taught by Knez would accomplish similar purposes.

Regarding claim 11, the recited length for the notch is considered to be obvious lacking a showing of its criticality by a new and unexpected result obtained therefrom and it appears that the notch taught by Knez would accomplish similar purposes.

Regarding claim 12, it would have been obvious to one of ordinary skill in the art to utilize an adhesive for securing the bristle packets of Fariest in order to securely mount the packets on the tee.

Regarding claims 14 and 15, note the rejections of claims 1 and 5 above.

5. Claims 8, 13 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knez (D369,845) in view of Fariest (D181,633) and Ranseen (1,670,123). Regarding claim 8, the tee of Knez appears to be capable of receiving a conventional tee within the central core for anchoring the tee in the ground.

Ranseen teaches a golf tee arrangement including a cap which receives a golf tee for anchoring purposes. It would have been obvious to one of ordinary skill in the art to manufacture the member of Knez to a size that is capable of receiving a golf tee within the core in order to firmly secure the member in the ground. Further, attention is directed to Figures 6 and 7 of Ranseen which teach a retaining lip (26) for retaining the golf tee within the core (15). It would have been obvious to one of ordinary skill in the art to form the core member of Knez

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with an inner lip as taught by Ranseen in order to more firmly retain the golf tee within the core member.

Regarding claim 13, it would have been obvious to one of ordinary skill in the art to form the tee of Knez as modified by Fariest and Ranseen with a length as recited in order to tee the golf ball to a particular height.

Regarding claim 16, note the rejection of claim 8.

Regarding claim 17, the recited steps represent an obvious method by which one of ordinary skill in the art would utilize the golf tee of Knez as modified by Fariest and Ranseen.

Regarding claim 18, it would have been obvious to one of ordinary skill in the art to place the golf ball on the bristles before inserting the tee shaft into the ground in order to utilize the golf ball as a means for applying pressure to the tee shaft.

Regarding claim 19, note the rejection of claim 8.

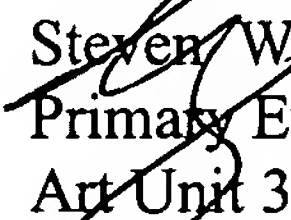
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 571-272-4416. The examiner can normally be reached on Monday through Wednesday 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven Wong
Primary Examiner
Art Unit 3711

SBW
October 31, 2005